

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION

CLERK'S OFFICE U.S. DIST. COURT
AT ROANOKE, VA
FILED

SEP 13 2005

FELIX ROCHE,
Petitioner,

v.

B. A. BLEDSOE, WARDEN,
Respondent.

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Civil Action No. 7:05-cv-00501

JOHN F. CORCORAN, CLERK
BY: *[Signature]*
DEPUTY CLERK

DISMISSAL ORDER

By: Hon. James C. Turk
Senior United States District Judge

In accordance with the accompanying memorandum opinion, it is hereby

ADJUDGED AND ORDERED

that the petition for writ of habeas corpus, pursuant to 28 U.S.C. §2241, is hereby **DENIED**; the petition is hereby construed as a second or successive motion to vacate, set aside or correct sentence, pursuant to 28 U.S.C. §2255, and is **DISMISSED** without prejudice; and the action is hereby stricken from the active docket of the court.

The Clerk is directed to send certified copies of this order and the accompanying memorandum opinion to petitioner and to counsel of record for the respondent.

ENTER: This 13th day of September, 2005.

[Signature]

Senior United States District Judge